

IN THE
COURT OF CRIMINAL APPEALS
OF TEXAS

FILED
COURT OF CRIMINAL APPEALS
1/24/2019
DEANA WILLIAMSON, CLERK

MARC WAKEFIELD DUNHAM

§

VS.

§

§

CAUSE NO. PD-0831-18

§

STATE OF TEXAS

§

MOTION TO EXTEND TIME TO FILE APPELLANT'S BRIEF

TO THE HONORABLE COURT OF CRIMINAL APPEALS:

Marc Wakefield Dunham, appellant, files this Motion To Extend Time To File Appellant's Brief, and would show as follows:

I.

Appellant pled not guilty to Class A misdemeanor deceptive business practice in cause number 2109329 in the County Criminal Court at Law Number 6 of Harris County before the Honorable Larry Standley. A jury convicted him, and the court assessed punishment at one year in the county jail and a \$4,000 fine on January 27, 2017. L. Jeth Jones, II, represented him at trial.

The Fourteenth Court of Appeals affirmed the judgment in a published opinion issued on July 10, 2018. Appellant did not move for rehearing. This Court granted discretionary review on December 5, 2018. Dunham v. State, 554 S.W.3d 222 (Tex. App.—Houston [14th Dist.], pet. granted). Josh Schaffer represented him in the court of appeals and represents him in this Court.

II.

This Court may extend the time to file a brief if a party files a motion complying with Rule of Appellate Procedure 10.5(b). This motion is timely. Appellant has sought one previous extension of time to file the brief.

This Court granted review on December 5, 2018. The brief is due on January 22, 2019. In addition to preparing the brief in appellant's case, counsel has been responding to an emergency related to a federal grand jury investigation into an alleged violation of the Foreign Corrupt Practices Act and is preparing a brief in support of a certificate of appealability in a federal habeas corpus proceeding which is due in the Fifth Circuit on January 29, 2019. He needs a two-day extension of time until January 24, 2019, to file appellant's brief.

CONCLUSION

Appellant requests a two-day extension of time to file the brief.

Respectfully submitted,

/s/ Josh Schaffer

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Attorney for Appellant
MARC WAKEFIELD DUNHAM

CERTIFICATE OF SERVICE

I served a copy of this motion on Katie Davis, assistant district attorney for Harris County; and on Stacey Soule, State Prosecuting Attorney, by electronic service on January 23, 2019.

/s/ Josh Schaffer
Josh Schaffer